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Patent Docket P1793R1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of:  
Laura C. Simmons et al.  
Serial No.: 10/020,786  
Filed: December 13, 2001  
For: PROKARYOTICALLY PRODUCED  
ANTIBODIES AND USES THEREOF

Group Art Unit: not yet assigned

Examiner: not yet assigned

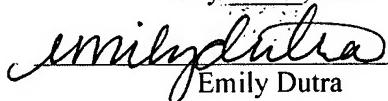
MAY 28 2002

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## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on

May 21, 2002

  
Emily DutraINFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

37 CFR §1.97(b)

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); or
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR§1.491, or
- before the mailing of the first Office action on the merits; or
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.

37 CFR §1.97(c)

- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) or a statement as specified in 37 CFR §1.97(e), as checked below.

37 CFR §1.97(d)

- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37

CFR §1.17(p) and a statement as specified in 37 CFR §1.97(e), as checked below.

[If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.]

- 37 CFR §1.97(e)** Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- 37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified).

**A copy of the items on PTO-1449 is supplied herewith.**

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. , filed and relied upon in this application for an earlier filing date under 35 USC §120.

BLAST results enclosed:

The undersigned also wishes to bring to the attention of the Examiner BLAST results of computerized alignments of the against sequences contained in the nucleotide and protein databases. The BLAST results are provided in paper form and are identified as reference "BLAST Results A-1- A-()" (nucleotide) and "BLAST Results B-1 - B-()" (protein) on the PTO Form 1449. Applicant requests that these references also be considered and that the Form 1449 be initialed to indicate the Examiner's consideration of the references.

A concise explanation of relevance of the items listed on PTO-1449 is:

not given

given for each listed item

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- given for only non-English language listed item(s) [Required]
- in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

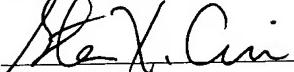
In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

In the event that the Office determines a fee to be due where none is specifically authorized in this paper, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p).

Respectfully submitted,

GENENTECH, INC.

By:



Steven X. Cui

Reg. No. 44,637

Telephone No. (650) 225-8674



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PATENT TRADEMARK OFFICE

FORM PTO-1449		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. P1793R1	Serial No. 10/020,786
LIST OF DISCLOSURES CITED BY APPLICANT (Use several sheets if necessary)		O I P E MAY 24 2002 U.S. PATENT DOCUMENTS		Applicant Laura C. Simmons et al.	
				Filing Date 13 Dec 2001	Group not yet assigned



Examiner Initials	Document Number	Date	Name	Class	Subclass	Filing Date
1	4,816,567	28.03.89	Cabilly et al.			RECEIVED
2	5,264,365	23.11.93	Georgiou et al.			MAY 28 2002
3	5,500,362	19.03.96	Robinson et al.			TECH CENTER 1600/2900
4	5,508,192	16.04.96	Georgiou et al.			
5	5,585,097	17.12.96	Bolt et al.			
6	5,639,635	17.06.97	Joly et al.			
7	5,648,237	15.07.97	Carter, P.			
8	5,821,337	13.10.98	Carter et al.			
9	5,840,523	24.11.98	Simmons et al.			
10	6,008,023	28.12.99	Opper et al.			
11	6,027,888	22.02.00	Georgiou et al.			
12	6,083,715	04.07.00	Georgiou et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Date	Country	Class	Subclass	Translation Yes	Translation No
13	154,316	11.09.85	EP				
14	401,384	12.12.90	EP				
15	WO 93/07896	29.04.93	PCT				
16	WO 93/17715	16.09.93	PCT				
17	WO 98/48837	05.11.98	PCT				

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Examiner

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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LIST OF DISCLOSURES CITED BY APPLICANT (Use several sheets if necessary)		 <b>MAY 24 2002</b> <small>PATENT AND TRADEMARK OFFICE USA</small>	Applicant Laura C. Simmons et al.	
			Filing Date 13 Dec 2001	Group not yet assigned
<b>OTHER DISCLOSURES INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)</b>				
26	Carter et al., "Humanization of an Anti-p185HER2 Antibody For Human Cancer Therapy" <u>Proc. Natl. Acad. Sci. USA</u> 89:4285-4289 (May 1992)			
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FORM PTO-1449

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Patent and Trademark Office

Atty Docket No.

P1793R1

Serial No.

10/020,786

Applicant

Laura C. Simmons et al.

Filing Date

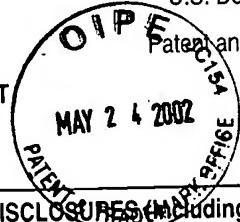
13 Dec 2001

Group

not yet assigned

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59		Pluckthun et al., "Producing Antibodies in Escherichia coli: From PCR to Fermentation." <u>Antibody Engineering: A Practical Approach</u> , Oxford Press, Chapter 10, pps. 203-252 (1996)
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61		Presta et al., "Humanization of an Anti-Vascular Endothelial Growth Factor Monoclonal Antibody for the Therapy of Solid Tumors and Other Disorders" <u>Cancer Research</u> 57(20):4593-4599 (Oct 15, 1997)
62		Presta et al., "Humanization of an Antibody Directed Against IgE" <u>J. Immunol.</u> 151(5):2623-2632 (September 1, 1993)
63		Presta, L., "Antibody Engineering" <u>Curr. Op. Struct. Biol.</u> 2:593-596 (1992)
64		Proba et al., "Functional Antibody Single-Chain Fragments From the Cytoplasm of Escherichia coli: Influence of Thioredoxin Reductase (TrxB)." <u>Gene</u> . 159:203-207 (1995)
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OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)				
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